

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NEHEMIAH D. ROLLE,

Plaintiff,

-against-

9:04-CV-0312
(LEK/GHL)

PAUL GARCIA, *Individually and in
Official Capacity, Deputy Superintendent
for Programs,*

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on January 29, 2007, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 47).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Lowe's Report-Recommendation. After examining the Record, and the Report-Recommendation, this Court **adopts Sections I, II and III.G** of said Report-Recommendation, having found them not to be subject to attack for plain error or manifest injustice.

The learned Magistrate Judge extensively evaluated several grounds for the granting of Defendant's Motion and dismissal of Plaintiff's Amended Complaint, however for the purposes of this Order, the Court finds that Section III.G of the Report-Recommendation - which finds

Defendant to be protected by the doctrine of qualified immunity - sufficiently disposes of the issues in this case such that the Court looks no further.

Accordingly, it is hereby

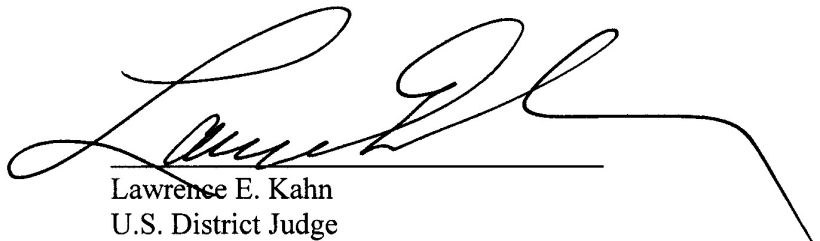
ORDERED, that **Sections I, II and III.G** of the Report-Recommendation (Dkt. No. 47) are **APPROVED** and **ADOPTED**; and it is further

ORDERED, that Defendant's Motion for summary judgment (Dkt. No. 43) is **GRANTED**, and Plaintiff's Amended Complaint (Dkt. No. 6) is **DISMISSED IN ITS ENTIRETY WITH PREJUDICE**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: February 28, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge